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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,136	03/08/2005	Joanna Ng	CA920020069US1	9461
25259 7590 04/06/2009 IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 RESEARCH TRIANGLE PARK, NC 27709				
EXAMINER				
MCADAMS, BRAD				
ART UNIT		PAPER NUMBER		
2456				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RSWIPLAW@us.ibm.com

Office Action Summary

Application No.

10/527,136

Applicant(s)

NG ET AL.

Examiner

ROBERT B. MCADAMS

Art Unit

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-850)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 06/19/2008, 06/20/2008, 11/21/2008, 03/19/2009

DETAILED ACTION

1. This Office Action is in response to the application filed on March 08, 2005.
2. Claims 1-21 are pending.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. **Claims 1-21** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-4 and 18 of copending Application No. 10/527135. Although the conflicting claims are not identical, they are not patentably distinct from each other because the context of the instant claims are the same as the context of the copending claims. The instant application

and the copending applications claim a method and apparatus of managing portlet application sessions between the user and the application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-19 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to **Claims 1-11 and 16-19**, “An apparatus” is being claimed. However no functional device or hardware is claimed nor described in the specification. Therefore said “apparatus” could embody software components. As such, Claims 1-11 and 16-19 are non-statutory and rejected under U.S.C. 101.

As to **Claims 12-15**, “An application” is being claimed. Software not tied to a functional device or hardware is non-statutory and rejected under U.S.C 101.

As to **Claim 21**, “An article comprising a computer readable signal bearing medium” is claimed. However, the specification (**Page 16, Lines 4-10**) describes said medium as being a modulated carrier signal or a signal transmitted over a network, both of which are non-statutory. As such, Claim 21 is rejected under 25. U.S.C 101.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 13 and 16** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Regarding **Claims 13 and 16**, the phrase "etc" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-21** are rejected under 35 U.S.C. 102(b) as being anticipated by "Portlet Development Guide" Edition 1.1, pp. 1-59 issued to *Hesmer et al* on January 30, 2002 (hereinafter "*Hesmer*").

As to **Claims 1 and 21**, *Hesmer* discloses an apparatus for a portal server system for managing a collection of associated portlets responsive to user requests to access a web application (**Section 2 – Overview; Page 5**), the apparatus comprising:

portlet application session means for saving parameters from user requests of associated portlets (**Section 3.7 – PortletSession; Page 21-23**); and

a portlet application communication client linked to said portlet application session means for communicating between said associated portlets and said web application to convey user requests received from said associated portlets to said web application (**The Portal Container contains an Event Listener in which user requests are monitored and pass communications between the web application and the associated portlets within the Portlet Session. Section 5.1 - Portlet Events and Section 5.1.1 - Action Events; Pages 37-38**).

As to **Claim 2**, *Hesmer* further discloses wherein said portlet application communication client stores user session information (**The Portal Container stores user session information in the PortletSession Object. Section 5.1 – Portal Events; Page 37**).

As to **Claim 3**, *Hesmer* further discloses wherein said portlet application session means comprises a portlet application session object (**PortletSession Objects. Section 3.7 – PortletSession; Page 21**).

As to **Claim 4**, *Hesmer* further discloses wherein said associated portlets have portlet request parameter maps for storing data and instructions from user requests to

said portlets (**Data and instructions from user requests are mapped to the appropriate Action Listener for storage. Section 5.1.1 - Action Events; Page 38**).

As to **Claim 5**, *Hesmer* further discloses wherein a portlet application is adapted to operate on said portal server system for managing said collection of associated portlets (**Section 2 – Overview; Page 5**).

As to **Claims 6 and 7**, *Hesmer* further discloses wherein said portlet application communication client has access to a user session information store for storing user session information. (**The Portal Container stores user session information in the PortletSession Object. Section 5.1 – Portal Events; Page 37**)

As to **Claim 8**, *Hesmer* further discloses wherein said user session information includes user session information for mapping said user session information to a corresponding session of said web application (**The PortletSession information contains maps or data for mapping the virtual instance to the web application. Section 3.7 – PortletSession; Page 21**).

As to **Claim 9**, *Hesmer* further discloses wherein said user session information is selected from the set comprising: user id, user credentials, language preferences, session timeout information, session id, for mapping said user session information to a corresponding session of said web application (**PortletSessions are created and**

mapped during a user login, said login including user id and credentials. Section 3.1 – Portlet – login(); Pages 10-11 and Section 3.7 – PortletSession; Page 21 and Section 7.1 Basic Authentication; Page 7.1).

As to **Claim 10**, *Hesmer* further discloses wherein said portlet application communication client has a request buffer for storing requests from said associated portlets to enable said communication client to provide data and instructions for said web application (**Portlet Container stores requests in a queue buffer. Section 5.1 – Portlet Events; Page 37).**

As to **Claim 11**, *Hesmer* further discloses wherein said communication client has a request buffer for storing requests from said portlet request parameter maps of said associated portlets to enable said communication client to provide data and instructions for said web application (**Portlet Container stores requests in a queue buffer. Section 5.1 – Portlet Events; Page 37).**

As to **Claim 12**, *Hesmer* further discloses a portlet application for managing a collection of associated portlets in a portal, for operating on a server providing access to a web application by a user (**Section 2 – Overview; Page 5);**

said associated portlets having portlet request parameter maps storing data and instructions from user requests to said portlets (**Data and instructions from user**

requests are mapped to the appropriate Action Listener for storage. Section 5.1.1

- Action Events; Page 38);

a portlet application session object for said user for said associated portlets
a portlet application session data store controlled by said portlet application
session object **(The Portal Container stores user session information in the
PortletSession Object. Section 5.1 – Portal Events; Page 37);**

a portlet application communication client linked to said portlet application data
store for communicating between said associated portlets and said web application to
convey user requests received from said associated portlets to said web application
**(The Portal Container contains an Event Listener in which user requests are
monitored and pass communications between the web application and the
associated portlets within the Portlet Session. Section 5.1 - Portlet Events and
Section 5.1.1 - Action Events; Pages 37-38); and**

said communication client having a request buffer for storing requests from
portlet request parameter maps of said associated portlets to enable said
communication client to provide data and instructions for said web application **(Data
and instructions from user requests are mapped to the appropriate Action
Listener for storage. Section 5.1.1 - Action Events; Page 38).**

As to **Claim 13**, *Hesmer* further discloses wherein said user session information
is selected from the set comprising: user id, user credentials, language preferences,
session timeout information, session id, for mapping said user session information to a

corresponding session of said web application; said session timeout information including session timeout information of said portal server and said web application **(PortletSessions are created and mapped during a user login, said login including user id and credentials. Section 3.1 – Portlet – login(); Pages 10-11 and Section 3.7 – PortletSession; Page 21 and Section 7.1 Basic Authentication; Page 7.1).**

As to **Claims 14-15, 17 and 19**, *Hesmer* further discloses including synchronization means for said portlet application communication client for matching session timeouts between said portal server and said web application by reauthenticating said user if said web application times out before said portal server **(During each PortletSession, authentication information is retrieved from the PortletSession Object and subsequently reauthenticates the user as such in a timeout event. Section 7 – Using Single Sign-on; Pages 55-56).**

As to **Claim 16**, *Hesmer* further discloses an apparatus for a portal server adapted to operate a web portal to provide access to a web application; having a portlet application operating on said portal server, for managing a collection of associated portlets **(Section 2 – Overview; Page 5)**; wherein said portlet application includes: means to initiate portlets on requests of a user to access said web application; means to manage a portlet application session object for said portlets; and, a portlet application session object data store controlled by said portlet application session object for saving parameters from user requests for associating said portlets with said with said portlet

application session object **(The Portal Container stores user session information in the PortletSession Object. Section 5.1 – Portal Events; Page 37)**, the apparatus comprising:

a portlet application communication client linked to said portlet application data store for communicating between said associated portlets and said web application to convey user requests received from said associated portlets to said web application **(The Portal Container contains an Event Listener in which user requests are monitored and pass communications between the web application and the associated portlets within the Portlet Session. Section 5.1 - Portlet Events and Section 5.1.1 - Action Events; Pages 37-38)**; and said portlet application communication client having a user session information store for storing user session information including selected information from the set of the following user session information: user id, user credentials, language preferences, session timeout information, session id, for mapping said user session information to a corresponding session of said web application **(PortletSessions are created and mapped during a user login, said login including user id and credentials. Section 3.1 – Portlet – login(); Pages 10-11 and Section 3.7 – PortletSession; Page 21 and Section 7.1 Basic Authentication; Page 7.1)**.

As to **Claims 18 and 20**, Application **Claim 18** and Method **Claim 20** corresponds to Apparatus **Claim 16** and are therefore analyzed and rejected the same as previously discussed with respect to Apparatus **Claim 16**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT B. MCADAMS whose telephone number is (571)270-3309. The examiner can normally be reached on Monday-Thursday 6:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/R. B. M./
Examiner, Art Unit 2456

/Ashok B. Patel/

Primary Examiner, Art Unit 2456